

Lord Chancellor COWPER,

Then High Steward of *England*:

The FIRST, when he pronounced Sentence upon the unhappy Lords, who were involved in the Rebellion in 1715, *viz.* James Earl of *Derwentwater*, William Lord *Widdrington*, William Earl of *Nithisdale*, Robert Earl of *Carnwath*, William Viscount *Kenmure*, and William Lord *Nairn*.

The SECOND, when he passed Sentence on the Earl of *Winton*.

To which is added,

The SPEECH of Philip Lord *HARDWICK*, Lord High Steward of *England*, when he pronounced Sentence on the three Rebel Lords 1746.

L O N D O N,

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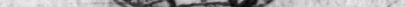
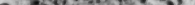
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THE CHURCH OF THE HOLY TRINITY

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6. The same is true of the other two cases.

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T H E

S P E E C H made by the eloquent Lord
C O W P E R, then High Steward of
England, when he pronounced Sen-
tence upon the unhappy Lords, who
were involved in the Rebellion 1715.

*James Earl of Derwentwater, William Lord
Widdrington, William Earl of Nithisdale, Ro-
bert Earl of Carnwath, William Viscount
Kenmure, William Lord Nairn!*

YOU stand impeached by the Commons of
Great Britain in Parliament assembled, of
High Treason, in traiterously imagining
and compassing the Death of his most sacred Maje-
sty, and in conspiring, for that End, to levy a bloody
and destructive War against his Majesty, in order to
depose and murder him; and in levying War accor-
dingly, and proclaiming a Pretender to his Crown
to be King of these Realms.

Which Impeachment, though one of your Lord-
ships, in the Introduction to his Plea, supposes to be
out of the ordinary and common Course of the Law
and Justice, is yet as much a Course of Proceeding,
according to common Law, as any other whatsoever.

If you had been indicted, the Indictment must
have been moved and brought before the House of
Lords, the Parliament sitting. In that Case you had,
'tis true, been accused only by the Grand Jury of
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one County; in the present, the whole Body of the Commons of *Great Britain*, by their Representatives, are your Accusers.

And this Circumstance is very observable (to exclude all possible Supposition of Hardship, as to the Method of proceeding against you) that however all great Assemblies amongst us are apt to differ on other Points, you were impeached by the unanimous Opinion of the House of Commons, not one contradicting.

They found themselves, it seems, so much concerned in the Preservation of his most truly sacred Majesty, and the Protestant Succession, the very Life and Soul of these Kingdoms, that they could not omit the first Opportunity of taking their proper Part, in order to so signal and necessary an Act of his Majesty's Justice.

And thus the whole Body Politick of this free Kingdom, has, in a Manner, rose up in its own Defence, for the Punishment of those Crimes which, 'twas rightly apprehended, had a direct Tendency to the everlasting Dissolution of it.

To this Impeachment you have severally pleaded, and acknowledged yourselves Guilty of the High Treason therein contained.

Your Pleas are accompanied with some Variety of Matter, to mitigate your Offences, and to obtain Mercy.

Part of which, as some of the Circumstances said to have attended your Surrender, seeming to be offered rather as Arguments only for Mercy, than any Thing in Mitigation of your preceeding Guilt, is not proper for me to take Notice of.

But as to the other Part, which is meant to extenuate the Crimes of which you are convicted, it is

fit

fit I should take this Occasion to make some Observations to your Lordships upon it, to the End that the Judgment to be given against you may clearly appear to be just and righteous, as well as legal; and that you may not remain under any fatal Error in respect of a greater Judicature, by reflecting with less Horror and Remorie on the Guilt you have contracted, than it really deserves.

It is alledged by some of your Lordships, that you engaged in this Rebellion without previous Concert or Deliberation, and without suitable Preparations of Men, Horses, and Arms.

If this should be supposed true, on some of your Lordships averring it, I desire you to consider, that as it exempts you from the Circumstances of contriving this Treason, so it very much aggravates your Guilt in that Part you have undoubtedly borne in the Execution of it.

For it shews, that your Inclinations to rebel were so well known (which could only be from a continued Series of your Words and Actions) that the Contrivers of that horrid Design depended upon you, and therein judged rightly: That your Zeal to engage in this Treason was so strong, as to carry you into it on the least Warning, and the very first Invitation: That you would not excuse yourselves by want of Preparation, as you might have done; and that, rather than not have a Share in the Rebellion, you would plunge yourselves into it almost naked and unprovided for such an Enterprize: In short, that your Men, Horses, and Arms, were not so well prepared as they might, and would have been on longer Warning; but your Minds were.

It is alledged also, as an Extenuation of your Crime, that no cruel or harsh Action (I suppose is meant

meant no Rapine or Plunder, or worse) has been committed by you.

This may in Part only be true: But then your Lordships will at the same Time consider, that the laying waste a Tract of Land bears but a little Proportion in Point of Guilt, compared with the Crime of which you stand convicted; an open Attempt to destroy the best of Kings, to ruin the whole Fabric, and raze the very Foundations of a Government, the best suited of any in the World, to perfect the Happiness, and support the Dignity of human Nature; The former Offence causes but a Mischief that is soon recovered, and is usually pretty much confined; the latter, had it succeeded, must have brought a lasting and universal Destruction to the whole Kingdom.

Besides, much of this was owing to Accident; your March was so hasty, partly to avoid the King's Troops, and partly from a vain Hope to stir up Insurrections in all the Counties you passed through, that you had not Time to spread Devastation, without deviating from your main, and, as I have observed, much worse Design.

Further, it is very surprising, that any concerned in this Rebellion should lay their engaging in it, on the Government's doing a necessary and usual Act in like Cases, for its Preservation, the given Orders to confine such as were most likely to join in that Treason; It is hard to believe, that any one should rebel, merely to avoid being restrained from rebelling; or that a gentle Confinement would not much better have suited a crazy State of Health, than the Fatigues and Inconveniencies of such long and hasty Marches in the Depth of Winter.

Your Lordships rising in Arms, therefore, has much more justified the Prudence and Fitness of those

those Orders, than those Orders will in anyways serve to mitigate your Treason. Alas! happy had it been for all your Lordships, had you fallen under so indulgent a Restraint!

When your Lordships shall, in good earnest, apply yourselves to think impartially on your Case, surely you will not yourselves believe that it is possible, in the Nature of the Thing, to be engaged, and continue so long engaged, in such a difficult and laborious Enterprize, thro' Rashness, Surprise, or Inadvertency: Or that, had the Attack at *Preston* been less sudden, (and consequently the Rebels better prepared to receive it) your Lordships had been reduced the sooner, and with less, if not without any Bloodshed.

No, my Lords, these, and such like, are artful Colourings, proceeding from Minds filled with Expectation of continuing in this World; and not from such as are preparing for their Defence before a Tribunal where the Thoughts of the Heart, and the true Springs and Causes of Actions, must be laid open.

And now, my Lords, having thus removed some false Colours you have used, to assist you yet farther in that necessary Work of thinking of your great Offence as you ought, I proceed to touch upon several Circumstances that seem greatly to aggravate your Crime, and which will deserve your most serious Consideration.

The Divine Virtues ('tis one of your Lordships own Epithets) which all the World, as well as your Lordships, acknowledge to be in his Majesty, and which you now lay Claim to, ought certainly to have with-held your Hands from endeavouring to depose, to destroy, to murder that most excellent Prince; so the Impeachment speaks, and so the Law construes your Actions; and this is not only true in
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the Notion of Law, but almost always so in Deed and Reality. 'Tis a trite, but very true Remark, that there are but a very few Hours between Kings being reduced under the Powers of Pretenders to their Crown, and their Graves: Had you succeeded, his Majesty's Case would, I fear, hardly have been an Exception to that general Rule, since it is highly improbable that Flight should have saved any of that illustrious and valiant Family.

'Tis a farther Aggravation of your Crime, that his Majesty, whom your Lordships would have de throned, affected not the Crown by Force, or by the Arts of Ambition, but succeeded peaceably and legally to it; and on the Decease of her late Majesty without Issue, became undoubtably the next in Course of Descent capable of succeeding to the Crown, by the Law and Constitution of this Kingdom, as it stood declared some Years before the Crown was expressly limited to the House of *Hanover*. This Right was acknowledged, and this Descent of the Crown limited or confirmed accordingly, by the whole Legislature in two successive Reigns, and more than once in the latter, which your Lordships Accomplices are very far from allowing would byas the Nation to that Side.

How could it then enter into the Heart of Men, to think that private Persons might, with a good Conscience, endeavour to subvert such a Settlement, by running to tumultuary Arms, and by intoxicating the Dregs of the People with contradictory Opinions, and groundless Slanders? or that God's Providence would ever prosper such wicked, such ruinous Attempts?

Especially if, in the next Place, it be considered, that the most fertile Inventions on the Side of the
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Rebellion; have not been able to assign the least Shadow of a Grievance as the Cause of it. To such poor Shifts have they been reduced on this Head, that, for want of better Colours, it has been objected, in a solemn Manner, by your Lordships Associates, to his Majesty's Government, that his People do not enjoy the Fruits of Peace, as our Neighbours have done, since the last War. Thus they first rob us of our Peace, and then upbraid us that we have it not. 'Tis a monstrous Rebellion, that can find no Fault with the Government it invades, but what is the Effect of the Rebellion itself!

Your Lordships will likewise do well to consider, what an additional Burden your Treason has made necessary on the People of this Kingdom, who wanted, and were about to enjoy some Respite. To this End, it is well known, that all new or Increase of Taxes, were the last Year carefully avoided; and his Majesty was contented to have no more Forces than were just sufficient to attend his Person, and shut the Gates of a few Garrisons.

But what his Majesty thus did for the Ease and Quiet of his People, you most ungratefully turned to his Disadvantage, by taking Encouragement from thence, to endanger his and his Kingdom's Safety, and to bring Oppression on your Fellow-Subjects.

Your Lordships observe, I avoid expatiating on the Miseries of a Civil War, a very large and copious Subject; I shall but barely suggest to you on that Head, that, whatever those Calamities may happen to be in the present Case, all who are at any Time, or in any Place, Partakers in the Rebellion, (especially Persons of Figure and Distinction) are in some Degree responsible for them; and therefore your Lordships must not hold yourselves quite clear

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from

from the Guilt of those Barbarities, which have been lately committed by such as are engaged in the same Treason with you, and not yet perfectly reduced, in burning the Habitations of their Countrymen, and thereby exposing many Thousands to Cold and Hunger in this rigorous Season.

I must be so just to such of your Lordships as profess the Religion of the Church of *Rome*, that you had one Temptation, and that a great one, to engage you in this Treason, which the others had not; in that it was evident, Success on your Part must for ever have established Popery in this Kingdom, and that probably you could never have again so fair an Opportunity.

But then, good God! how must those Protestants be covered with Confusion, who entered into the same Measures, without so much as capitulating for their Religion, (that ever I could find from any Examination I have seen or heard) or so much as requiring, much less obtaining, a frail Promise, that it should be preserved, or even tolerated.

It is my Duty to exhort your Lordships thus, to think of the Aggravations, as well as the Mitigations (if there be any) of your Offences; and if I could have the least Hopes, that the Prejudices of Habit and Education would not be too strong for the most earnest and charitable Entreaties, I would beg you not to rely any longer on those Directors of your Consciences, by whose Conduct you have, very probably, been led into this miserable Condition; but that your Lordships would be assisted by some of those pious and learned Divines of the Church of *England*, who have constantly borne that infallible Mark of sincere Christians, universal Charity.

And

And now, my Lords, nothing remains, but that I pronounce upon you (and sorry I am that it falls to my Lot to do it) that terrible Sentence of the Law, which must be the same that is usually given against the meanest Offender in the like Kind.

The most ignominious and painful Part of it is usually remitted by the Grace of the Crown, to Persons of your Quality; but the Law, being deaf to all Distinctions of Persons, requires I should pronounce, and accordingly it is adjudged by this Court,

That you James Earl of Derwentwater, William Lord Widdrington, William Earl of Nithisdale, Robert Earl of Carnwath, William Viscount Kenmure, and William Lord Nairn, and every of you, return to the Prison of the Tower, from whence you came; from thence, you must be drawn to the Place of Execution; when you come there, you must be hang'd by the Neck, but not till you be dead, for you must be cut down alive, then your Bowels must be taken out, and burned before your Faces; then your Heads must be severed from your Bodies, and your Bodies divided each into four Quarters, and those must be at the King's Disposal; and God Almighty be merciful to your Souls.

The SPEECH of the Lord High Steward of England (Lord Chancellor Cowper) when he pass'd Sentence on the Earl of Wintoun.

GEORGE Earl of Wintoun, I have already acquainted you, that your Peers have found you Guilty, (*i. e.*) in the Terms of the Law, convicted you of the High Treason whereof you stand impeached. After your Lordship moved in Arrest of Judgment, and the Lords have allow'd that Motion,

Motion, their next Step is to proceed to Judgment. The melancholy Part I am to bear in pronouncing that Judgment upon you, since it is his Majesty's Pleasure to appoint me to that Office, I dutifully submit to; far, very far, from taking any Satisfaction in it. 'Till Conviction, your Lordship has been spoke to without the least Prejudice, or Supposition of your Guilt, but now it must be taken for granted, that your Lordship is guilty of the High Treason whereof you stand impeach'd. My Lord, this your Crime is the greatest known to the Law of this Kingdom, or of any other Country whatsoever; and it is of the blackest and most odious Species of that Crime; a Conspiracy and Attempt, manifested by an open Rebellion, to depose and murder that sacred Person who sustains and is the Majesty of the Whole; and from whom, as from a Fountain of Warmth and Glory, are dispersed all the Honours, all the Dignity of the State; indeed the lasting and operative Life and Vigour of the Laws, which plainly subsist by a due Administration of the executive Power: So that attempting this precious Life, is really striking at the most noble Part, the Seat of Life, and Spring of all Motion in this Government; and may therefore properly be call'd a Design to murder, not only the King, but also the Body Politic of the Kingdom. And this is most evidently true in your Lordship's Case, considering that Success in your Treason must infallibly have established Popery; and that never fails to bring with it a Civil as well as Ecclesiastical Tyranny; which is quite another Sort of Constitution than that of this Kingdom, and cannot take Place till the present is annihilated. This your Crime (so I must now call it) is the more aggravated, in that when it proceeds so far as to take Arms openly, and

to make an offensive War against lawful Authority, 'tis generally (as in your Case) complicated with the horrid and crying Sin of murdering many, who are not only innocent, but meritorious. And if Pity be due (as I admit it is in some Degree) to such as suffer for their own Crimes, it must be admitted a much greater Share of Compassion is owing to them who have lost their Lives merely by the Crimes of other Men. As many as have so done in the late Rebellion; so many Murders have they to answer for who promoted it; and your Lordship, in examining your Conscience, will be under a great Delusion, if you look on those who fell at *Preston*, *Dumblain*, or elsewhere, on the Side of the Laws, and in Defence of settled Order and Government, as slain in lawful War; even judging of this Matter by the Law of Nations. Alas! my Lord, your Crime of High-Treason is made yet redder, by shedding a great deal of the best Blood in the Kingdom; I include in this Expression the brave common Soldiers, as well as those gallant and heroic Officers, who continued faithful till Death, in Defence of the Laws; for sure but little Blood can be better than that which is shed while it is warm in the Cause of the true Religion, and the Liberties of its native Country. Believe it, notwithstanding the unfair Arts and Industry used to stir up a pernicious Excess of Commiseration towards such as have fallen by the Sword of Justice, (few, if compared with the Numbers of good Subjects, murdered from the Doors and Windows at *Preston* only) the Life of one honest, loyal Subject, is more precious in the Eye of God, and all considering Men, than the Lives of many Rebels and Parricides.

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This puts me in Mind to observe to your Lordships that there is another Malignity in your Lordship's Crime, (open Rebellion) which consists in this, that it is always sure of doing Hurt to a Government in one Respect, though it be defeated ; (I will not say it does so on the whole Matter.) For the Offence is too notorious to be let pass unobserved by any Connivance : Then is a Government reduced to this Dilemma ; if it be not punished, the State is endangered, by suffering Examples to appear, that it may be attacked with Impunity ; if it be punished, they who are publickly or privately Favourers of the Treason, (and perhaps some out of mere Folly) raise undeserved Clamours of Cruelty against those in Power ; or the lowest their Malice flies, is, to make unseasonable, unlimited, and injudicious Encouragements upon Mercy and Forgiveness, (Things rightly used, certainly of the greatest Excellence.) And this Proceeding, it must be admitted, does some Harm with silly undistinguishing People ; so that Rebels have the Satisfaction of thinking they hurt the Government a little, even by their Fall. The only, but true Consolation, every wise Government has in such a Case, (after it has temper'd Justice with Mercy in such a Proportion as sound Discretion directs, having always a Care of the public Safety above all Things) is this, that such-like Seeds of unreasonable Discontents take Root in every shallow Soil only ; and that therefore, after they have made a weak Shoot, they soon wither and come to nothing. It is well your Lordships has given an Opportunity of doing the Government Right, on the Subject of your Surrender at *Preston*. How confidently has it been given out by the Faction, that the Surrender was made on Assurances, at least Hopes insinuated,

ed, of Pardon! whereas the Truth appears to be, that Fear was the only Motive to it; the evil Day was deferr'd, and the Rebels rightly depended, fewer would die at last by the Measures they elected, than if they had stood an Assault: They were awed by the experienced Courage, Discipline, and Steadiness of the King's Troops, and by the superior Genius and Spirit of his Majesty's Commander over those of the Rebels; so that in Truth they were never flattered with any other Terms, than to surrender as Rebels and as Traitors; their Lives only to be spared till his Majesty's Pleasure should be known. It was indeed a Debt due to those brave Commanders and Soldiers, (to whom their King and Country owe more than can be well express'd) that their Victory should be vindicated to the present and future Ages, from untrue Detraction, and kept from being sullied by the Tongues of Rebels and their Accomplices, when their Arms could no longer hinder it. 'Tis hard to leave this Subject, without shortly observing, that this Engine, which sets the World on Fire, a lying Tongue, has been of prodigious Use to the Party of the Rebels, not only since and during the Rebellion, but before, while it was forming, and the Rebels preparing for it. False Facts, false Hopes, and false Characters, have been the greater Half of the Scheme they set out with, and yet seemed to depend upon it. It has been rightly observed, your Lordship's Answer does not so much as insist, with any Clearness, on that which only could excuse your being taken in open Rebellion; that you was forced into it, remained so under a Force, and would have escaped from it, but could not. If you had still insisted, it had been clearly proved that had not been true; for your Lordship was active, and forward in
many

many Instances, and so considerable in a military Capacity among your Fellow-Soldiers, as to command a Squadron. These, and other Particulars, have been observed by the Managers of the House of Commons, and therefore I shall not pursue them farther; but conclude this Introduction to the Sentence, by exhorting your Lordship, with perfect Charity and much Earnestness, to consider, that now the Time is come when the Veil of Partiality should be taken from your Eyes, (it must be so when you come to die) and that your Lordship should henceforward think with Clearness and Indifference, (if possible) which must produce in you a hearty Detestation of the high Crime you have committed; and, being a Protestant, be very likely to make you a sincere Penitent, for your having engaged in a Design that must have destroyed the holy Religion you profess, had it taken Effect. Nothing now remains, but that I pronounce upon you that Sentence which the Law ordains, and which sufficiently shews what Thoughts our Ancestors had of the Crime of which your Lordship is now convicted.

Then the Lord High Steward pronounced Sentence in the usual Form, as upon the other six condemned Lords; after which he declared, there was nothing more to be done by Virtue of that Commission, broke the Staff, and pronounced it dissolved.

The SPEECH of the Right Honourable PHILIP Lord HARWICKE, Lord High Chancellor of *Great Britain*; made by him, as Lord High Steward of *Great Britain*.

William Earl of Kilmarnock, George Earl of Cromartie, Arthur Lord Balmerino!

IN the Course of this solemn Proceeding, you have already been acquainted, that you stand convicted of the High Treason charged upon you by the several Indictments on which you have been arraigned.

By this Conviction, it is now finally determined, that your Lordships are guilty of that Crime, which not only the Laws of *Great Britain*, but of all other Countries, for the wisest Reasons, adjudge to be the highest.

As it gives the deepest Concern to every one of my Lords, your Peers, to find Persons of your Birth and Quality stained with so foul an Offence; so it must give them some Satisfaction, that all of you, in Effect, have confessed it; Two of your Lordships, by expressly pleading guilty upon your Arraignment, and the other, by openly declaring himself satisfied with the Determination of this House, upon the only Point on which his Defence was rested. Charity makes one hope, that this is an Indication of some Disposition to that Repentance which your Guilt so loudly calls for.

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You,

You, my Lord *Balmerino*, have since moved in Arrest of Judgment; and their Lordships were pleased to assign the Counsel you desired, to support that Motion: But, upon advising with your Counsel, you have now voluntarily at the Bar withdrawn it, as being wholly without Foundation.

To attempt to aggravate Crimes of so deep a Dye, and in themselves so incapable of Aggravation, against Persons in your unhappy Circumstances, would be a vain, as well as a most disagreeable Task. And yet the Duty of that Place, in which I have the Honour to sit, requires that I should offer some Things to your Consideration, to explain more fully the Necessity of that Justice, which is this Day to be administered, and to awaken in your Minds a due Sense of your own Condition.

If any Rebellion can be heightened by the Circumstances attending it, it is that in which your Lordships have been engaged. A Rebellion against a King, celebrated through the World for his mild and gracious Government; the whole Series of whose Reign has been distinguished by the strictest Adherence to the Laws, and the most indulgent Care of the Rights of his People; unblemished with any single Instance of an Attempt or Design to violate either.

To overturn the Government of such a King, you took Arms; and, in consequence of this, to destroy the purest Religion, and subvert the best Constitution, formed and established upon the just Balance of Prerogative in the Crown, and Liberty in the Subject, for the Preservation of the Whole.

What did your Lordships, who profess the Protestant Religion, and claim the Benefits of this Constitution, seek to introduce in the Room of these invaluable Blessings? In Religion, Popery, attended
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with its Train of Superstitions, and inhuman Principles of Persecution ; in Government, Despotism and Tyranny ; and, to cement and support this horrid System, an abjur'd Pretender, deriving his Principles of Religion and civil Policy, from *Rome* and *France*.

When I name *France*, I find myself obliged to remind your Lordships of one Circumstance, which it will become you to reflect upon in your most serious Moments. The Time you chose to arm against your Country, was, whilst it stood engaged in a just and necessary War against that Crown, and *Spain* ; a War, to preserve its own Commerce and Independency, and its ancient natural Allies. Though some of your Lordships have thought it proper, at this Bar, to disclaim that Connexion, or any Advantage from it ; yet, with that ambitious and encroaching Power, you avowedly joined yourselves ; by this Aid, you endeavoured to effect the dreadful Change you meditated ; and, to such a Master, to inflave this free Nation.

Nor were the other Countries of *Europe*, which have united themselves against the pernicious Views of *France*, less essentially, tho' more remotely, interested in the Event. From *Great Britain* they derived their chief Assistance in this War. In her centred their Hopes of Support : But the Contrivers of this Scheme laid the Ax to the Root of the Tree ; and, by endeavouring to deliver up this Kingdom a Province to *France*, strove to cut off that Resource, without which the Cause of publick Liberty must have sunk for ever.

Thus widely spread were the Calamities which this Rebellion was formed to introduce. By calling off the Arms of *Great Britain* to her necessary Self-defence, some Progress was made towards effectuating
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one Part of the intended Mischief. How far it may be retri'd, and in what Manner, is still in the Womb of Time, and in the Hands of Providence; But is it not astonishing, that Men, who call themselves *Britons* and Protestants, should become the Dupes and Abettors of so execrable a Design? A Design to erase the very Foundations of true Religion and Freedom, and to turn the Riches and Strength of this Kingdom, through a Course of Ages so differently employed, into Instruments of the common Slavery.

After all this, to mention the Plundering and Devastation of particular Towns and Counties; the Miseries brought upon private Persons and Families; or the many Murders committed (for the Death of every loyal Subject killed in this Rebellion was a Murder) to mention these Things, though most important and moving in themselves, after the other more extensive Considerations, would make them appear of less Weight.

Some of your Lordships, in what you have been pleas'd to offer for yourselves, have urg'd several Topicks to excite Mercy and Compassion. Those, if of any Moment, are proper only for that Place, where the Seat of Mercy must be acknowledged to be fixed. But, when Arguments of Compassion have been urg'd in Behalf of the Guilty, let us balance those Arguments with a becoming Compassion for our Country, for those who have suffer'd innocently by the Miseries which this Rebellion brought upon it, and for those who died gloriously in its Defence.

Give me Leave to urge this a little farther. Even the Sufferings of those who so far forgot their Allegiance, as to adhere to, or favour, this impious Cause,
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are in Justice to be charged only to the Account of such as fomented and supported it. They, who take Arms against a lawful established Government, create the Necessity of all Acts requisite to be done on the Side of that Government, in order to repel and subdue them; or which, in the Nature of Things, become unavoiable in the Course of suppressing them.

Upon such a Subject it is more difficult to stop than to enlarge. But, whilst I am endeavouring to raise in your Minds a just Sense of the many Evils involved in your Crimes, permit me to intreat your Lordships to deal impartially with yourselves, and to consider seriously what could be your Temptation to commit them.

Every one of you enjoyed the common Benefits of that legal and mild Government, which, in Violation of the most solemn Oaths, you sought to destroy, and some of you had received particular Advantages from it. You, my Lord *Kilmarnok*, and my Lord *Cromartie*, have thought fit to appeal to your former Conduct, as a Proof of your good Principles for the Support of the Revolution, and of our present happy Establishment. With real Grief I lament that you ever deviated from those Sentiments. If, as your Lordships would have us believe, they were sincere, and proceeded from the Heart, what could possibly be your Inducement to this sudden Apostasy? Your Lordships have left that a Blank in your Apologies; and I chuse rather to leave it be filled up by the Constructions of others, than to supply it myself.

Thus much I am warranted to say: No glittering Prospect of Success in the Beginning of this Rebellion could tempt you. On the other Hand, those Beginnings were so weak and unpromising, as to be capable of seducing none, but the most infected and
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willing Minds to join in so desperate an Enterprize. On the other Hand, it was impossible even for the Party of the Rebels to be so inconsiderate or vain, as to imagine, that the Body of this free People, blest in the Enjoyment of all their Rights, both Civil and Religious, under his Majesty's Protection; secure in the Prospect of transmitting them safe to their Posterity, under the Protestant Succession in his Royal House (of which they see so many illustrious Branches); I say, it was impossible, that they could imagine the Body of the free People, under these Circumstances, would not rise up, as one Man, to oppose and crush so flagitious, so destructive, and so unprovoked an Attempt.

Happy is it for ourselves, happy for our Posterity, that this is verified by the Event. The Rebels soon saw his Majesty's faithful Subjects, conscious both of their Duty and Interest, contending to outdo one another in Demonstrations of their Zeal and Vigour in his Service. The Merchants, and trading Part of this great Metropolis, one of the most useful and respectable Branches of the Community, to their lasting Honour, associated themselves, at the Risque of their private Fortunes, to support the publick Credit of their Country. Men of Property, of all Ranks and Orders, crowded in with liberal Subscriptions, of their own Motion, beyond the Examples of former Times, and uncompelled by any Law; and yet in the most legal and warrantable Manner, notwithstanding what has been ignorantly and presumptuously suggested to the contrary. The Clergy, with a Zeal becoming their holy Function, regulated by Christian Charity, instructed their Hearers by their Doctrine, and led them by their Example, in Defence of the Crown, and of our common

mon Liberties; of this reformed Church, and, consequently, of the Reformation itself.

The Rebels soon saw many of the Nobility and Gentry, from amongst the first Families, the greatest Estates, and the best blood in the Kingdom, surrounding the Throne, soliciting to be permitted to hazard their Lives in this glorious Cause, and to be authorized, at their own Expence, to raise Forces for the support of it.

But, above all, they saw both Houses of Parliament, the great Council of the Nation, the representative Body of this People, warmed with a truly *British* Spirit, and treading in the Steps of their Ancestors, overcoming all Difficulties, and unanimously concurring in every Measure to strengthen the King's Hands, and to maintain that Government, on which the very Being of Parliaments, and the Preservation of this limited Monarchy depend.

If these Enemies of our Peace had formed to themselves any false Hopes of contrary Appearances, it must be owing to the highest Degree of Infatuation, that they were not soon convinced of their Mistake. Great Reason we have to offer up our Thanks to Heaven, that they have been effectually disappointed. Even your Lordships, if you will allow yourselves to weigh your own Case in the just Balance of Religion and Conscience, will find Cause to be thankful, that the Measure of your Guilt was not suffered to be filled up and enhanced by the final and direful Success of it.

If, from an unforeseen Accident, not uncommon in Military Operations, those delusive Hopes were for some Time kept alive, it seems to have been judicially designed by Providence to render the more signal that Vengeance which was reserved for them
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at the Battle of Culloden. How much was owing on that memorable Day, to the Bravery and Discipline of his Majesty's Troops, to the animating Example, the intrepid Valour, and the wise Conduct of a Prince descended from him, is so deeply engraven on the Heart of every Member of this great Assembly, that I could only repeat what their own grateful Minds have already suggested to themselves, and represented to the Throne.

Then was experienced how much that Courage which Virtue, true Loyalty, and the Love of our Country inspire, is superior to the rashness and false Fire of Rebellion, accompanied with the Terrors of Guilt.

I will add no more. It has been his Majesty's Justice to bring your Lordships to a legal Trial; and it has been his Wisdom to shew, that as a small Part of his national Forces was sufficient to subdue the Rebel Army in the Field, so the ordinary Course of his Laws is strong enough to bring even their Chiefs to Justice.

What remains for me, is very painful, though a necessary Part. It is to pronounce that Sentence, which the Law has appointed for Crimes of this Magnitude;—a Sentence full of Horror; such as the Wisdom of our Ancestors has ordained, as one Guard about the sacred Person of the King, and as a Fence about this excellent Constitution, to be a Terror to Evil Doers, and a Security to them that do well.

The Judgment of the Law is, and this high Court doth award; *That you, William Earl of Kilmarnock, &c.*

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E I N I S

